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PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 4th July 1969

G.S.R. 1600.—The following Proclamation by the President is published for general information:

Whereas, I, V. V. Giri, Vice-President acting as President of India, have received a report from the Governor of the State of Bihar and after considering the report and other information received by me, I am satisfied that a situation has arisen in which the Government of that State cannot be carried on in accordance with the provisions of the Constitution of India (hereinafter referred to as "the Constitution");

Now, therefore, in exercise of the powers conferred by article 356 of the Constitution and of all other powers enabling me in that behalf, I hereby proclaim that I—

(a) assume to myself as Vice-President acting as President of India all functions of the Government of the said State and all powers vested in, or exercisable by, the Governor of that State;

(b) declare that the powers of the Legislature of the said State shall be exercisable by or under the authority of Parliament; and

(c) make the following incidental and consequential provisions which appear to me to be necessary or desirable for giving effect to the objects of this Proclamation, namely:—

(i) in the exercise of the functions and powers assumed to myself by virtue of clause (a) of this Proclamation as aforesaid, it shall be lawful for me as Vice-President acting as President of India to act to such extent as I think fit through the Governor of the said State;

(ii) the operation of the following provisions of the Constitution in relation to that State is hereby suspended, namely:—

so much of the proviso to article 3 as relates to the reference by the President of such Bill as is referred to therein, to the Legislature of the State;

articles 163 and 164, so much of clause (3) of article 166 as relates to the allocation among the Ministers of the business of the Government of the State, article 167, so much of clause (1) of article 169 as relates to the passing of a resolution by the Legislative Assembly of the State, clause (1) and Sub-clause (a) of clause (2) of article 174, articles 175, 176 and 177, clause (c) of article 179 and the first proviso thereto, article 181, clause (c) of article 183 and the proviso thereto, articles 185, 188, 189, 193, 194, articles 196 to 198 (both inclusive), articles 200 and 201, articles 208 to 211 (both inclusive), the proviso to clause (1) and the proviso to clause (3) of article 213; and

so much of clause (2) of article 323 as relates to the laying of the report with a memorandum before the Legislature of the State;

(iii) any reference in the Constitution to the Governor shall in relation to the said State be construed as a reference to the President, and any reference therein to the Legislature of the State or the Houses thereof shall, in so far as it relates to the functions and powers thereof, be construed, unless the context otherwise requires, as a reference to Parliament, and, in particular, the reference in article 213 to the Governor and to the Legislature of the State or the Houses thereof, shall be construed as references to the President and to Parliament or to the Houses thereof respectively:

Provided that nothing herein shall affect the provisions of article 163, articles 155 to 159 (both inclusive), article 299 and article 361 and paragraphs 1 to 4 (both inclusive) of the Second Schedule or prevent the President from acting under sub-clause (1) of this clause to such extent as he thinks fit through the Governor of the said State;

(iv) any reference in the Constitution to Acts or laws of or made by the Legislature of the State shall be construed as including a reference to Acts or laws made in exercise of the powers of the Legislature of the State, by Parliament by virtue of this Proclamation, or by the President or other authority referred to in sub-clause (a) of clause (1) of article 357 of the Constitution and the Bihar and Orissa General Clauses Act, 1917 (Bihar and Orissa Act I of 1917), as in force in the State of Bihar and so much of the General Clauses Act, 1897 (10 of 1897), as applies to State Laws, shall have effect in relation to any such Act or law as if it were an Act of the Legislature of the State.

NEW DELHI:

The 4th July, 1969.

V. V. GIRI,
Vice-President
Acting as President.

[No. 38/13/69 Poll-A.]

NEW DELHI:
he 4th July, 1969.

L. P. SINGH, Secy.

ORDER

New Delhi, the 4th July 1969

G.S.R. 1601.—The following Order by the President is published for general information:

In pursuance of sub-clause (i) of clause (c) of the Proclamation issued on this the 4th day of July, 1969, by me under article 356 of the Constitution of India, I hereby direct that all the functions of the Government of the State of Bihar and all the powers vested in or exercisable by the Governor of that State under the Constitution or under any law in force in that State, which have been assumed by the Vice-President acting as President by virtue of clause (a) of the said Proclamation, shall, subject to the superintendence, direction and control of the Vice-President acting as President be exercisable also by the Governor of the said State.

NEW DELHI:
The 4th July, 1969.

V. V. GIRI,
Vice-President
Acting as President.

[No. 38/13/69 Poll-A.]

NEW DELHI:
The 4th July, 1969.

L. P. SINGH, Secy.

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